Scott II-48—34,846—20-1-22

Revenue (1922) Department.

Miscellaneous SERIES.

G.O. No. 511

DATED 15/3/22

[Despatch Abstract.]

Legislative Council - January - Recommendation

205. Darkhast rules for South Kanara

REVENUE
5359
Regd. 22-9-21

1,000—21-8-21.

COUNCIL OFFICE.

UNDER SECY
22 SEP 1921
REVENUE

Subject.—Resolutions on matters of general public interest for the meetings of the Legislative Council commencing on 12th October 1921.

Submitted that the Revenue Department may be informed u.o. that ~~resolution No.~~ ~~resolutions Nos.~~ 249 ~~has~~ ~~have~~ been admitted ~~with the alterations~~ ~~without alterations~~ shown in the accompanying ~~copy.~~ ~~copies.~~

L. D. S.
27-9-21

27-9-21

U.O. 2616-4 d 27-9-21

To

The Revenue Department u.o.

Revenue Department

To under Secy

In the resolution in the current file Mr. K. Sadasiva Bhat recommends that in working the darkhast rules in South Kanara nettikatt and layatti rights be restricted giving to such claimants the first refusal.

2 The meaning of the term "nettikatt" will be found explained on pp 16, ¶ 129 ~~¶ 225~~ of the South Kanara district manual Vol I. 1st up. The term connotes "the crest of a hill adjoining cultivation or watershed of a hill." ~~nettikatt right~~

RA

The crest of the hill dividing the valleys formed the natural boundary of the holdings of cultivators on each side of a ridge and wherever the natural conditions permitted it this nettikatt or crest of the hill was generally adopted as the boundary of estates in mul-pattas. Nettikatt right is the claim for the common usufruct of the open hill side for grazing and the collection of leaves for manure and sticks for fuel + fencing.

Lagtha is defined in Wilson's glossary of Indian terms as "proximity of things or places or a contiguous tract or country." The word lagthi mentioned in the resolution is apparently derived from the above term and means 'adjacent'.

3 It will be observed from rule 8 (c) of the darkhast rules on p. 6 of G.O. No. 219 Rev. dt. 19.4.95 that, in assigning lands on darkhast, preference was given to the Wargdar or mulgeni tenant within whose nettikatt the plot applied for was situated. In 1907 it was recommended that the above rule should be cancelled except in special cases where considerations of equity would require it such as (a) when the land contains any spring etc useful for the irrigation of the lands or (b) when any improvement has been made on the land. The Govt accepted this (Vide p. 9 of G.O. No. 2169 Rev. dt. 29-8-07 + para 4 (2) on p. 2 of notes to G.O. ibid). In 1919 Mr. Couchman the Board member considered that all reference

(E) (F) (T) (J)

Annexure 2 of G.O. No. 624 Rev dt. 17-3-19

to nettikatt should be omitted because it became obsolete after the revision of the darkhast rules in G.O. No. 2435 Rev dt. 26-6-18 and because it needed no special protection as the kumaki rights (Vide Mr. Cruchman's note dt. 28-11-18 at bottom of para (3) + note dt. 28-9-18 on pp 2 + 3 of file in G.O. No. 624 Rev dt. 17-3-19). Moreover the report of the Board dispensed with in G.O. No. 624 Rev dt. 17-3-19 was submitted with reference to para 2 of order in G.O. No. 2435 Rev dt. 26-6-18 in which the claim of the adjacent pattadar was abolished.

4 Lagthi or adjacent rights were abolished as stated above with a view to safeguard the interests of the depressed classes and Swayi-jama cultivators as the title under which the adjacent pattadar was given preference resulted in too many instances in the practical exclusion of the above classes of people from assignments of land.

p. 4 of G.O. No. 2435 / 26.6.18 (F)

Under these circumstances it does not appear that the Nettikatt + Lagthi rights can now be restored since they have been abolished to benefit the poorer classes who are in need of

from Govt. [The resolution has been admitted]

20.9.21

Preferential claim based on adjacency has been abolished not only in S. Kanara but throughout the Presidency and there is no sufficient reason to depart in the case of Sonti Kanara. To grant preferential claim based on the abolition of the right of adjacency whether right can have no Cannot be recognized as conferring special claim.

M. Narasimha Chetty
3.10.21

The rights hitherto enjoyed are temporary & a gradual abolition the ~~ma~~ principle. The course of development of titles is against such privileges wherein they restrict way to progress of the claims. This seems to be the condition, ~~which~~ to be done whether any such hardship is caused by the abolition of the right can be remedied with the progress of the community.

Raleigh
3/10/21

Chetty
M. 26.
cir 4.10.21

M. 13
cir 4.10.21

Raleigh
4.10.21

Submitted to C3

NOTES CONNECTED WITH A RESOLUTION ON MATTERS OF GENERAL PUBLIC INTEREST.

Cir 12-1-22

[For the meeting of the 15th November 1921.]

[SUBJECT.— Darkhast rules for South Kanara]

COUNCIL OFFICE.

Mr. K. SADASIVA BHAT :--

205. **That this Council recommends to the Government that in the darkhast rules for South Kanara nettikatt and lagthi claims be restored giving to such claimants the first refusal in the assignment of waste lands.**

REVENUE DEPARTMENT.

In the above resolution ~~in the current file~~ Mr. K. Sadasiva Bhat recommends that in working the darkhast rules in South Kanara nettikatt and lagthi rights be restored giving to such claimants the first refusal.

2. The meaning of the term 'nettikatt' will be found explained on pages 16, 129 and 225 of the South Kanara District Manual, Volume I. The term connotes "the crest of a hill adjoining cultivation or watershed of a hill." The crest of the hill dividing the valleys formed the natural boundary of the holdings of cultivators on each side of a ridge and whenever the natural conditions permitted it this nettikatt or crest of the hill was generally adopted as the boundary of estates in *mulpattas*. Nettikatt right is the claim for the common usufruct of the open hill side for grazing and the collection of leaves for manure and sticks for fuel and fencing.

Lagtha is defined in Wilson's glossary of Indian terms as "proximity of things or places or a contiguous tract or country." The word *lagthi* mentioned in the resolution is apparently derived from the above term and means '*adjacent*.'

3. It will be observed from rule *c* (8) of the darkhast rules on page 6 of G.O. No 219, Revenue, dated 19th April 1895. that, in assigning lands on darkhast, preference was given to the wargdar or mulgeni tenant within whose nettikatt the plot applied for was situated. In 1907 it was recommended that the above rule should be cancelled except in special cases where considerations of equity would require it such as (*a*) when the land contains any spring, etc., useful for the irrigation of the lands or (*b*) when any improvement has been made on the land. The Government accepted this [vide page 9 of G.O. No. 2169, Revenue, dated 29th August 1907, and paragraph 4 (2) on page 2 of notes to Government Order *ibid.*]. In 1919 Mr. Couchman, the Board Member, considered that all reference to nettikatt should be omitted because it became obsolete after the revision of the darkhast rules in G.O. No. 2455, Revenue, dated 26th June 1918, and because it needed no special protection as the kumaki right [vide Mr. Couchman's note, dated 28th November 1918, at bottom of paragraph (3) and note dated 28th September 1918 on pages 2-3 of Notes to G.O. No. 624, Revenue, dated 17th March 1919]. Moreover the report of the Board disposed of in G.O. No. 624, Revenue, dated 17th March 1919, was submitted with reference to paragraph 2 of order in G.O. No. 2455, Revenue, dated 26th June 1918, in which the claim of the adjacent pattadar was abolished.

4. Lagthi or adjacent rights were abolished as stated above with a view to safeguard the interests of the depressed classes and sivayi-jama cultivators as the rule under which the adjacent pattadar was given preference resulted in too many instances in the practical exclusion of the above classes of people from assignments of land.

Under these circumstances it does not appear that the nettikatt and lagthi rights can now be restored since they have been abolished to benefit the poorer classes who are in need of help from Government. [The resolution has been admitted.]

DT.—30-9-21.

Preferential claim based on adjacency has been abolished not only in South Kanara but throughout the Presidency and there is no sufficient reason to restore it in the case of South Kanara. With the abolition of preferential claim based on the right of adjacency nettikatt rights cannot be recognized as conferring a special claim.

P. T. SRINIVASA ACHARIYAR—3-10-21.

The rights hitherto enjoyed were the possession of a privileged class the "owner of land." The course of development of ideas is against such privileges whenever they bar the way to progress of other classes. This seems to be the case here; it is to be shown whether any real hardship is caused by the abolition of this right comparative with the benefit to the rest of the community.

E. W. LEGH—3-10-21.

M. H[ABIB-UL-LAH]—4-10-21.

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REVENUE - E 350 -28-9-21.
163
Rcd 20 1-22

To

THE SECRETARY TO GOVERNMENT,
Revenue DEPARTMENT.

UNDER SEC. TO GOVT. - 20 JAN 1922 REVENUE DEPT.

The following resolution was—

carried.
carried as amended.
lost.
~~not moved and was therefore deemed to have been withdrawn.~~
in the absence of the mover, deemed to have been withdrawn.
~~by leave withdrawn.~~

Resolution No. 205 [247]

Darkhast rules for South Kanara.

Mr. K. SADASIVA BHAT :—

205 [247] That this Council recommends to the Government that in the darkhast rules for South Kanara, *nettikatt* and *lagthi* claims be restored, giving to such claimants the first refusal in the assignment of waste lands.

Mover absent

Amendment.

M D Sivaramkarnu

LEGISLATIVE COUNCIL OFFICE,
19th Nov 1921 *Secretary to the Legislative Council.*

The following resolution was also deemed to have been withdrawn, the mover not having been in his place :—

Darkhast rules for South Kanara.

Mr. K. SADASIVA BHAT :—

"205. *That this Council recommends to the Government that in the darkhast rules for South Kanara lagthi and nettikatt claims be restored, giving to such claimants the first refusal in the assignment of waste lands.*"

Rev Dept

To A.S.

The papers may it is submitted be

18/3/22 be record

G.O. ~~Mis~~ No 511 dt 15-3-22

Recorded

14-3-22

Abstract
Legislative Council - January
Resolution No 205 - Darkhast
rules for South Kanara.

14.3.22